



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

JUN 22 2015

Laurence Crabtree, Forest Supervisor
100 Forni Road,
Placerville, CA 95667
Attention: King Fire Restoration Project

Subject: Draft Environmental Impact Statement for the King Fire Recovery Project, Eldorado National Forest. (CEQ# 20150135)

Dear Mr. Crabtree:

The U.S. Environmental Protection Agency has reviewed the Draft Environmental Impact Statement (DEIS) for the King Fire Recovery Project, Eldorado National Forest. Our review is provided pursuant to the National Environmental Policy Act, Council on Environmental Quality regulations (40 CFR Parts 1500-1508), and our NEPA review authority under Section 309 of the Clean Air Act.

EPA supports the project's objectives of maintaining ecological integrity, strategically reducing future fuel loadings and increasing the forest's resiliency to fire, reducing safety hazards, furthering restoration and research activities, and reducing sediment inputs to streams. We understand that the current conditions in the Eldorado National Forest are extremely vulnerable to fire, largely due to past practices such as fire suppression and planting for timber harvest rather than a diverse and sustainable forest environment, and that this vulnerability is heightened by climate change. We recognize the challenges that the fire recovery project presents, and appreciate the substantial work that went into the preparation of the DEIS.

EPA has rated all action alternatives in the DEIS as *Lack of Objections* (LO; see enclosed "Summary of Rating Definitions"). We support the best management practices and resource protection measures included in the project design. We recommend that the FEIS incorporate additional measures and information, as discussed below.

EPA appreciates that the Forest Service included, in the DEIS, a robust look at soil cover in the context of erosion. The DEIS also discusses the role of soil quality in water retention/absorption and the ability of the project area to provide nutrients to trees and other plant life in the forest. It notes that the King Fire was detrimental to the soil in the project area due to soil burn from intense heat that destroyed organic matter. We understand that, given the severity of the fire, many areas to be replanted may no longer have sufficient plant life to naturally deposit organic matter quickly enough to sustain new growth; however, it is unclear whether any measures are planned to mitigate for the lack of nutrients, bacteria, or fungi in the soil. We recommend that this be clarified in the Final EIS.

The proposed project calls for both manual and herbicide release to decrease shrub concentration around newly planted trees (page: 2-11). We recommend that the Forest Service include a commitment in the Final EIS to adhere to pesticide label directions if the selected alternative includes pesticide (including herbicide) use. We also recommend that the FEIS specify appropriate buffer zones to protect water quality from any pesticide applications, and describe how pesticide mixing and storage areas would be sited and managed to further protect water sources and other sensitive areas, such as food source and/or herb gathering areas. Lastly, we recommend that the FEIS clearly identify which herbicide or other pesticide products, if any, would be approved for use and in which areas.

On June 20, 2014, President Obama issued a memorandum directing Federal departments and agencies to evaluate and use their resources, facilities, and land management responsibilities to expand knowledge of pollinator health and to increase habitat quality and availability¹. While the DEIS acknowledges impacts to pollinators such as bumblebees, it is unclear what mitigations would take place during the initial action to prevent adverse impacts to pollinators. In May 2015, the Forest Service released a draft document in response to the President's memorandum, titled "Pollinator-Friendly Best Management Practices for Federal Lands"², which states that "Eight broad considerations are key when evaluating projects for conserving pollinator habitat:"

- determining the quality of foraging habitat;
- identifying important pollinator reproduction sites;
- determining important nesting and overwintering sites;
- identifying pollinators of sensitive or at-risk plant species on Federal, State, local, or nongovernmental organization (NGO) (e.g., NatureServe) lists as outlined in the National Academy of Sciences report Status of Pollinators in North America.
- identifying and removing invasive species to improve pollinator habitat;
- identifying, collecting, and using local, genetically appropriate native seeds;
- implementing adaptive management; and
- engaging and informing the public."

We recommend that the FEIS reflect these best management practices to support pollinator health and affected ecosystems.

EPA encourages the Forest Service to ensure that meaningful consultation with all potentially affected tribal governments occurs throughout the NEPA process. The project area is culturally and spiritually important to tribes and tribal consultation is an important component of the decision-making process associated with this project. We recommend that the results of consultations with tribal governments and with the Tribal Historic Preservation Office/State Historic Preservation Office be included in the FEIS.

The DEIS notes the role of forests in carbon storage, stating that, "United States forests currently serve as a carbon 'sink', offsetting approximately 15 % emissions from burning fossil fuels", (page: 3-4). On December 24, 2014, the Council on Environmental Quality released revised draft guidance, superseding the 2010 guidance and describing how federal departments and agencies should consider the effects of greenhouse gas emissions and climate change in their NEPA reviews. This new draft guidance explains that agencies should consider both the potential effects of a proposed action on climate change, as

¹ <https://www.whitehouse.gov/the-press-office/2014/06/20/presidential-memorandum-creating-federal-strategy-promote-health-honey-b>

² <http://www.fs.fed.us/wildflowers/pollinators/BMPs/documents/PollinatorFriendlyBMPsFederalLandsDRAFT05152015.pdf>

indicated by its estimated greenhouse gas emissions, and the implications of climate change for the environmental effects of a proposed action. We recommend the FEIS be updated to reflect the new CEQ draft guidance.

EPA suggests that the FEIS include a more systematic and comprehensive discussion of the impacts of climate change on the project, and measures to improve the project's adaptability to climate change. For example, we recommend adding a discussion of the increased vulnerability of specific species under a reasonably anticipated climate change scenario, and an explanation of the projected shift of forest species to more suitable range elevations. We recommend that the FEIS discuss measures to improve forest adaptation to climate change, such as the selection of certain species for replanting.

The DEIS provides a good summary of compliance with the smoke management plans; assumptions related to, and measures to reduce, the impacts of prescribed burns; and the Forest's coordination with other federal and state stakeholders.

Thank you for the opportunity to review this DEIS. We also appreciate the Forest Service's coordination with us prior to and during our review. We found our site visit and meeting with you and your staff particularly informative and helpful. When the FEIS is released, please send one hard copy and one CD to the address above (mail code: ENF-4-2). If you have any questions, please contact me at (415) 972-3521, or have your staff contact James Munson, the lead reviewer for this project. James can be reached at (415) 972-3852 or Munson.James@epa.gov.

Sincerely,



Kathleen Martyn Goforth, Manager
Environmental Review Section

Enclosure: Summary of the EPA Rating System

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SUMMARY OF EPA RATING DEFINITIONS*

This rating system was developed as a means to summarize the U.S. Environmental Protection Agency's (EPA) level of concern with a proposed action. The ratings are a combination of alphabetical categories for evaluation of the environmental impacts of the proposal and numerical categories for evaluation of the adequacy of the Environmental Impact Statement (EIS).

ENVIRONMENTAL IMPACT OF THE ACTION

"LO" (Lack of Objections)

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

"EC" (Environmental Concerns)

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

"EO" (Environmental Objections)

The EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

"EU" (Environmentally Unsatisfactory)

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

ADEQUACY OF THE IMPACT STATEMENT

"Category 1" (Adequate)

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

"Category 2" (Insufficient Information)

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analysed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

"Category 3" (Inadequate)

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analysed in the draft EIS, which should be analysed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

*From EPA Manual 1640, Policy and Procedures for the Review of Federal Actions Impacting the Environment.

